

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 2, 1997

DIVISION TWO

B103989 People (Not for Publication)
v.
Bobby Joe Jones

The Court:

The judgment is modified to stay the 1-year sentence and the 1-year 4-month firearm use enhancement for robbery in count 3 pursuant to section 654, and to reflect a total sentence of 24 years 4 months, comprised of 9 years for attempted murder in count 1 with a 10-year firearm use enhancement and a 3-year great bodily injury enhancement on that count, a consecutive term of 1 year, 4 months for possession for sale of cocaine in count 4, and a 1-year prior prison term enhancement. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the modified sentence.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B100464 People (Not for Publication)
v.
Jeffrey William Spradley

The Court:

The judgment of conviction on count 1 is reversed. The judgment of conviction on count 2 is affirmed. The judgment sentencing appellant to a total prison term of 6 years and giving him 233 days of presentence credit is reversed, and the matter is remanded for further proceedings consistent with this opinion.

Boren, P.J., Fukuto, J., Nott, J.

September 2, 1997-Continued

DIVISION THREE

B106722 People (Not for Publication)
v.
Marion Barker

The judgment is modified to reflect 470 days of presentence custody credit consisting of 314 actual days and 156 days of good time/work time credit, and as so modified, affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B097689 People (Not for Publication)
v.
Ernesto Pedro Perez & Eddie Chau

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Dunn, J. (Assigned)

B106836 People (Not for Publication)
v.
Pablo Dominguez Garcia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

September 2, 1997-Continued

DIVISION THREE (Continued)

B103466 People (Not for Publication)

V.

Leonard Michael Hoyos

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.

Aldrich, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B112245 People v. Howard

B104922 People v. Raul Varela

B106266 People v. Jesse H. Fierro

B110509 DCS v. James W. and Regina H.

B108830 People v. David M. Duran

B107011 People v. Conde

Argument waived, cause submitted.

B103379 Kenneth Beckstead

V.

WCAB

(Performance Automotive Warehouse, r.p.i.)

Merits:

Argued by Donald S. Lucien for petitioner and by Tom Bradford for real party in interest. Cause submitted.

DIVISION FIVE (Continued)

B102856 The People
 v.
 Felipe Garcia et al.

Merits:

Argued by Laura G. Schaefer for appellant Felipe Garcia, Anthony Dain for appellant Robert Silva and by Carol Jorstad, deputy attorney general for respondent. Cause submitted.

B094651 Industry Civil Planning Association
 v.
 City of Industry

Merits:

Argued by Kit L. Knudson and John Lehrer-Graiwer for appellants and by Graham A. Ritchie and Vickie E. Land for respondents. Cause submitted.

B106542 Ronald Irving May
 v.
 Odie Woods et al.

Merits:

Argued by Ronald I. May in propria persona and by Stephen I. Blanchfill for respondent. Cause submitted.

B099026 Judith Ciocca
 v.
 City of Burbank

Appearances:

Steve Lee Monette for respondent and there being no appearance for appellant. Argument waived, cause submitted.

DIVISION FIVE (Continued)

B108640 Eric Cutujian
 v.
 CB Commercial Real Estate Group

Merits:

Argued by John D. Rowell for appellant and by John T. Thornton for respondent. Cause submitted.

B104213 The People
 v.
 Robert Montanez

Merits:

Argued by Gerson Simon for appellant and by A. Scott Hayward, deputy attorney general for respondent. Cause submitted.

B106272 Brandon Chase
 v.
 State Farm Fire and Casualty Co.

Merits:

Argued by Barry Fischer for appellant and by Ari Kleiman for respondent. Cause submitted.

Court recessed 11:30 a.m.

Court reconvened at 11:35 a.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B106155 People v. David Silva
B108714 People v. Katrina G.
B104531 People v. Herrera
B100244 People v. Mysels
B102353 People v. Lauderdale & Ramos
B103728 People v. Boudreaux
B104764 People v. Arizmendi

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B105078 The People
 v.
 Man Soo Kim and Sang Soo Choi

Merits:

Argued by Barbara O'Neill Ferris and Phillip Bronson for appellants and by Beverly K. Falk, deputy attorney general, for respondent. Cause submitted.

Court recessed 11:48 a.m.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B096244 Lens v. City of Torrance
B104691 Benzra Family Trust v. Seifert

Argument waived, cause submitted.

B106463 T.F. H. Publications, Inc.
 v.
 Heiko Bleher
 Paola Pierucci

Merits:

Argued by Robert Aitken for appellant and Bradley Dale Tubin for respondent, Cause submitted.

Court recessed at 1:07 p.m.

DIVISION FIVE (Continued)

Court reconvened at 1:12 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Jed H. Belcher, Deputy Clerk.

B109644 In re Stephany E.
 v.
 Department of Children's Services
 Linda K. S.

Appearances:

Linda K. S. appellant in propria persona, and Joe Ben Hudgens for respondent. Argument waived, cause submitted.

B101829 Brenda Fitzgerald
 v.
 Boise Cascade Office Products

Appearances:

Richard P. Langevin for appellant. Ted H. Luymes for respondent. Argument waived, cause submitted.

B104001 National Union Fire Insurance Co.
 v.
 The Home Insurance Co.

Merits:

Argued by Gary A. Hamblet for appellant. No appearance for respondent. Cause submitted.

B108150 Victor Mateluna
 v.
 Los Angeles Superior Court
 (Medimanager, Inc. et al., r.p.i.)

Merits:

Argued by Mark Poster for petitioner and by Emanuel J. Baring, Jr. for real party in interest. Cause submitted.

DIVISION FIVE (Continued)

B104743 Louis J Giovani
v.
Frank Wright et al.

Merits:

Argued by Louis J. Giovani appellant in propria persona and by Edwin J. Howard for respondents. Cause submitted.

Court adjourned at 1:43 p.m.

B100476 People
v.
Anthony P. Cosme

Filed order denying petition for rehearing.

B098917 Rodney Gottlieb (Not for Publication)
v.
Advance Creditors Service, Inc. et al.

The judgment is affirmed. Defendants, Advance Creditors Service, Inc., and California Rehabilitation Medical Center, shall recover their costs on appeal from plaintiff, Rodney Gottlieb.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION SIX

Crim. No. B104450	The People vs. Waggoner	(Not For Publication)
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The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Gilbert, J.

Crim. No. B108600	People vs. Tellez	(Not For Publication)
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The judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

Crim. No. B107355	People vs. Carlos D.	(Not For Publication)
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The matter is remanded for further proceedings consistent with the views expressed herein. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

September 2, 1997-Continued

DIVISION SIX (Continued)

Civil	Landry	(Not For Publication)
No.	vs.	
B103762	Teleflex Incorporated, et al.	

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

Crim.	People	(Not For Publication)
No.	vs.	
B107498	Hill	

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Gilbert, J.

Civil	Griffis	(Not For Publication)
No.	vs.	
B108087	Gross	

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

September 2, 1997-Continued

DIVISION SEVEN

B103451 People (Not for Publication)
v.
Rogers

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B100083 People
v.
Norelli

Filed order denying petition for rehearing.

B105392 People (Not for Publication)
v.
Alonzo Douglas Smith, Jr.

The abstract of judgment is ordered modified to reflect two (not four) section 667(A)(1) enhancements for a total of 10 (not 20) years and under "6. Other orders" to reflect a sentence of 25 years to life on count I, a consecutive sentence of 25 years to life on count II, and a 10-year consecutive sentence for a total 60 years (not 70 years) to life sentence. As modified, the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

September 2, 1997-Continued

DIVISION SEVEN (Continued)

B104647 People (Not for Publication)
v.
Bautista

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

That portion of the judgment ordering sentence of appellant is remanded to the trial court with directions to consider whether to strike prior convictions in conformity with *People v. Superior Court (Romero)*, supra, 13 Cal.4th at pp. 529-531. In all other respects, the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is reversed. The matter is remanded to the trial court.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

September 2, 1997-Continued

DIVISION SEVEN (Continued)

B100474 Roth (Certified for Publication)
v.
Parker & Perez

The appeal from the order denying the motion to recuse the trial judge is dismissed. The judgment is affirmed. Respondents are entitled to the costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.